



3 June 1858. 21 Vict.



(Ireland.)

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TO

Simplify the Title to Landed Estates in Ireland.

WHEREAS it is expedient to make better Provision for the Preamble.
Assurance of the Titles to Landed Estates in Ireland, and
thereby to simplify such Titles, and for that Purpose to
establish a Court, with the Power and Jurisdiction herein-after men-
tioned, and also to establish an Office for the registering in a Public
Record of the Ownership of such Estates: Be it enacted by the
Queen's most Excellent Majesty, by and with the Advice and Con-
sent of the Lords Spiritual and Temporal, and Commons, in the
present Parliament assembled, and by the Authority of the same, as
follows; that is to say,

I. It shall be lawful for Her Majesty, Her Heirs and Successors, Chief Re-
from Time to Time after the *passing of this Act*, by Letters Patent membrancer
under the Great Seal of Ireland, to appoint a fit and proper Person to be ap-
to be Chief Remembrancer of Landed Estates, and by that Name and pointed.
Title to perform the Duties and exercise the Powers herein-after
mentioned; and upon any Vacancy in such Office, to appoint from
Time to Time another fit and proper Person to the same, subject
however to the Provisions as to the First Appointment herein-after
contained.

II. There shall be and is hereby constituted a Court in Ireland, to Institution
be called "the Court of Landed Estates," of which the Chief Re- of Court of
membrancer shall by virtue of his Office be the Chief Judge. Landed Es-
ates.

[Bill 103.]

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III. The

Landed Estates (Ireland).

Rank of
Chief Remem-
brancer
and Tenure
of Office.

III. The Chief Remembrancer shall have Rank and Precedence next after the Master of the Rolls, and he shall hold his Office for Life, but shall be liable to Removal by Her Majesty, Her Heirs and Successors, upon an Address of both Houses of Parliament.

Salary and
retiring
Pensions.

IV. He shall receive and be paid out of the Consolidated Fund of 5
the United Kingdom of Great Britain and Ireland a fixed annual
Salary of Three thousand seven hundred Pounds a Year, and after
Fifteen Years Service he shall be entitled to retire upon an annual
Pension of Two thousand seven hundred Pounds a Year: Provided
always, that no Person shall continue to hold such Office after he has 10
attained the Age of Seventy Years, and that he shall upon attaining
such Age be entitled to receive his retiring Pension, provided he has
filled the Office for Ten Years.

Pension on
Disability.

V. It shall be lawful for Her Majesty, Her Heirs and Successors, 15
to grant to any Person filling such Office a retiring Pension of not
exceeding the said Sum of Two thousand seven hundred Pounds a
Year, whenever he is disabled by permanent Illness or Infirmary from
discharging the Duties of his Office.

Oath of
Chief Remem-
brancer.

VI. Every Person appointed to the Office of Chief Remem- 20
brancer shall, before acting in his Office, make and subscribe the
following Oath before the Lord Chancellor, or in Her Majesty's
Court of Exchequer in Ireland:

' I A.B., appointed to the Office of Chief Remembrancer of Landed
' Estates in Ireland, do sincerely and solemnly declare, that I
' will, to the best and utmost of my Skill and Ability, faithfully and 25
' diligently execute the Duties of the said Office; I will, to the
' utmost of my Power, take care that no one be wronged by any-
' thing done by me in the Execution of the said Office. As far as in
' me lies, I will take care that no Person having a just and lawful
' Title to Lands shall be refused to be acknowledged, and that no 30
' Person not having such just and lawful Title shall be acknowledged
' as the Owner of any Land; and all this I will, to the best of my
' Skill and Knowledge, and with all Diligence and Care, perform
' and do:
' I will also, to the best of my Skill and Knowledge, faithfully and 35
' diligently discharge all such Duties as appertain to me as Chief
' Judge of the Court of Landed Estates in Ireland.

' So help me GOD.'

Two other
Judges to be
appointed.

VII. It shall be lawful for Her Majesty, Her Heirs and Successors, 40
in like Manner to appoint Two other fit and proper Persons to be, with
the Chief Remembrancer, Judges of the Court of Landed Estates,
subject in like Manner to the Provisions as to the First Appointment
herein-after contained.

VIII. Such

VIII. Such Judges shall each receive a yearly Salary out of the said Consolidated Fund of Two thousand seven hundred Pounds a Year, and shall be entitled to a Retiring Pension of Two thousand Pounds a Year and they shall hold their Office and be entitled to their Retiring Pensions in all respects in the same Manner and the same Conditions, and subject to the same Power of Removal as is herein-before provided in the Case of the Chief Remembrancer.

IX. Every Person appointed to be such Judge shall, before entering on the Duties of his Office, in open Court before the Chief Remembrancer, make and subscribe the following Oath :

I A.B., appointed to the Office of Judge of the Court of Landed Estates in Ireland, do solemnly and sincerely swear, that I will faithfully and truly, and to the best and utmost of my Skill, Knowledge, and Diligence, fulfil and execute all such Duties as shall appertain to me as such Judge. So help me GOD.

X. There shall be attached to the said Court the following Officers ; that is to say, One Secretary, One Accountant, One Registrar, One Taxing Master, One Assistant Registrar, Two Examiners of Titles, and so many Clerks as the Chief Remembrancer may from Time to Time, with the Approbation of the Lord Chancellor and the Consent of the Commissioners of Her Majesty's Treasury, think necessary in that Behalf ; and in addition, each of the Three Judges shall appoint a fit and proper Person to be his Clerk, to hold Office during the Pleasure of the Judge ; and such Officers shall be paid the Salaries respectively mentioned in the First Schedule to this Act annexed.

XI. The Salaries of all the said Officers and all other necessary Attendants on the Court or Judges, the Number and Salaries of whom shall be fixed by the Lord Chancellor on the Representation of the Judges, but in every Case with the Consent of the Commissioners of Her Majesty's Treasury, shall be paid out of the Fund herein-after called the Court Fund, or out of such other Funds as Parliament may from Time to Time for that Purpose provide.

XII. The Court shall have its Sittings in such convenient Building at or near to the Inn's Quay in the City of Dublin as the Lord Lieutenant may direct and provide.

XIII. The Secretary and the Accountant to the said Court shall be appointed by the Lord Lieutenant of Ireland ; the Registrar and Assistant Registrar, and all other Officers, except the Clerks to the Judges, shall be appointed by the Judges of the Court, or any Two of them, of whom the Chief Remembrancer shall be One, with the

Consent and Approbation of the Lord Chancellor, subject however to the Provisions herein-after contained regulating the First Appointment of such Officers.

Qualification
of Officers.

XIV. No Person shall be appointed to the Office of Registrar, Assistant Registrar, or Examiner of Title, unless he shall be a Barrister of Six Years standing, or duly admitted as an Attorney of One of the Superior Courts of Common Law in Ireland for a Period of not less than Ten Years; and no Person, unless he be such Attorney, shall be appointed Taxing Master of the said Court.

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Officers may
be removed
for Miscon-
duct.

XV. The Court may, upon Cause shown, remove for Misconduct any Secretary, Registrar, Assistant Registrar, Taxing Master, or Examiner of Titles, subject nevertheless to an Appeal on behalf of such Officer to the Court of Appeal in Chancery, and the Chief Remembrancer may remove any of the Clerks employed in the Office of the said Court, subject to Appeal to the full Court.

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Oath of
Secretary
and Exam-
iner.

XVI. Every Person appointed to be Secretary or Examiner of Titles shall, before entering on the Duties of his Office, make and subscribe in open Court the following Oath:

‘ I A.B. appointed to be Secretary (or Examiner of Titles) of the Court of Landed Estates, do solemnly and sincerely swear, that I will faithfully execute the Duties of such Office: ‘ I do also solemnly and sincerely swear, that I will keep secret and will not reveal, unless when thereto commanded by lawful Authority, any Matter or Thing which may come to my Knowledge as such Officer of the said Court, and which ought to be kept secret by the Rules and Orders of the said Court.

So help me GOD.’

Court to be
Court of
Record.

XVII. The Court of Landed Estates shall be a Court of Record, and shall have all the Powers and Authorities of such, and the Court or any Judge thereof shall have Power to administer an Oath or to take an Affidavit or administer a Declaration; and any Person who shall wilfully swear or declare falsely in any Evidence given or Affidavit or Declaration made before the Court, or any Judge, shall incur all the Penalties of wilful and corrupt Perjury.

Court to
have Power
to summon
Witnesses.

XVIII. The Court shall have Power, by Summons under their Seal, to require before them the Attendance of any Person as a Witness, either before the full Court or any Judge thereof, and to require by such Summons, if necessary, any Person to produce any Deeds, Documents, or Papers, and such Summons shall be as effectual to all Intents and Purposes, as a Subpoena or Subpoena duces tecum issuing from

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from One of the Superior Courts of Law, and the Court shall have Power to punish Disobedience thereto in the same Manner as the Superior Courts of Common Law may now punish Disobedience to a Subpoena.

5 XIX. Affidavits to be made before the Court or any Judge thereof may be sworn, either in Ireland or elsewhere, before any Person duly empowered to take Affidavits by Commission from any of the Superior Courts of Law in Ireland, in the Locality in which such Affidavit is sworn. *Affidavits to be sworn before Commissioners.*

10 XX. The Court shall have the same Power as the Superior Courts of Common Law of directing a Summons to be served upon any Person to appear before them as a Witness, when such Person is resident beyond the Jurisdiction of the Court. *Witnesses may be served with Summons out of Jurisdiction.*

XXI. The Judges of the Court shall sit in separate Chambers to discharge the Duties herein-after mentioned as belonging to a single Judge, and the Chief and other Two Judges shall from Time to Time sit in full Court in such convenient Room as may be set apart for that Purpose: Provided always, that such full Court shall be constituted by the Presence of any One of the Judges in case of the Absence of the other Two, and any One or Two of the Judges so sitting shall have Power to make any Orders or do any Act herein required to be done by the full Court. *Sittings of Judges and of full Court.*

XXII. There shall be attached to the Court of Landed Estates an Office for the registering by Public Record of the Ownership of Landed Estates in Ireland, to be called the Office of the Chief Remembrancer of Landed Estates. *Establishment of Public Record of Estates.*

XXIII. There shall be provided for such Office, at or near to the Inn's Quay in the City of Dublin, a convenient Building, with all necessary Appliances for the Preservation of the Books and Records herein-after mentioned; and all Costs and Expenses attending the Erection of such Building shall be defrayed out of such Funds as Parliament may for that Purpose provide. *Building to be provided for same.*

XXIV. Such Office shall be under the Control and Superintendence of the Chief Remembrancer and of the Deputy Remembrancer herein-after mentioned. *Office to be under Control of Chief Remembrancer.*

XXV. The Judges of the Court of Landed Estates, or any Two of them, shall appoint, with the Approbation of the Lord Chancellor, a fit and proper Person to be Deputy Remembrancer, and another fit and *Deputy Remembrancer to be appointed.*

and proper Person to be Chief Clerk of such Office, and the Deputy Remembrancer and Chief Clerk shall jointly appoint, with the Approbation of the Court, such and so many Persons to be Clerks in the Office as the Chief Remembrancer may, with the Approbation of the Lord Chancellor and the Consent of the Commissioners of Her Majesty's Treasury, from Time to Time think necessary.

Salary of
Deputy Re-
membrancer.

XXVI. The Deputy Remembrancer and other Persons employed in such Office shall receive the annual Salaries mentioned in the Schedule to this Act annexed, and such Salaries shall be payable out of the Court Fund, or out of such other Funds as Parliament may provide. 10

Books to be
opened for
each County,
Barony, and
Parish.

XXVII. There shall be opened in the said Office Books to be called the Books of the Chief Remembrancer, and such Books shall be separately arranged for each County, Barony, and Parish in Ireland, and such Books shall also show all separate Denominations of Townlands or other such Denominations in Ireland, and for each Parish One or more separate Books shall be kept, as the Chief Remembrancer may from Time to Time in that Behalf direct, and such Books shall be prepared with reference to the Maps of the Ordnance Survey and to the general Valuation of Tenements in Ireland. 15 20

Rules to be
made for
keeping of
such Books.

XXVIII. The Chief Remembrancer, with the Approbation and Consent of the other Judges of the Court, may from Time to Time establish such General Rules and Regulations for the keeping of such Books and for the better Regulation of such Office as shall appear best calculated to carry out the Intentions and Provisions of this Act: Provided always, that all such Rules and Orders shall be laid before both Houses of Parliament within *One Month* after such Rules and Orders are made, if Parliament be then sitting, and if not, within *One Month* after Parliament shall next sit. 25

Maps to be
provided.

XXIX. There shall also be provided for such Office Maps of each County, Barony, and Parish in Ireland, according to the Ordnance Survey, and such Maps shall be upon such Scale as the Chief Commissioner may, with the Approbation of the Lord Chancellor, direct. 30

Officers of
Royal En-
gineers may
be appointed
to attend the
Registry.

XXX. It shall be lawful for the Lord Lieutenant to direct that as many Officers of Her Majesty's Corps of Engineers as may appear necessary for that Purpose shall be in attendance upon the Chief Remembrancer, with such Staff and Attendants as may be necessary to do and execute all such Acts of surveying or otherwise, as may from 35

from Time to Time become requisite in the Execution of the Powers of this Act.

XXXI. The Power and Jurisdiction of the Court of Landed Estates in Ireland shall commence on the *First Day of November* Commencement of Powers of Court.
 5 *One thousand eight hundred and fifty-eight.*

XXXII. The Court of Landed Estates in Ireland shall provide themselves with a Seal, and such shall, without Proof thereof, be judicially taken notice of by all Courts of Law and Equity in the United Kingdom. Court to be provided with Seal.

10 XXXIII. No Judge or other Officer of such Court shall be capable, while he holds such Office, of being elected or sitting as a Member of the House of Commons. Judge not to sit in Parliament.

XXXIV. From and after the *First Day of January One thousand eight hundred and fifty-nine* it shall be lawful for any Person who shall, by himself or his Agents or Trustees, be in the actual Possession of any Lands in Ireland, or Receipt of any Rents, Issues, or Profits arising out of any such Lands, and shall be entitled thereto for any Term, Estate, or Interest whatever, to present a Petition to the Court, stating his Possession of such Lands, or his Receipt of Rents, Issues, or Profits arising out of the same, and the Estate or Interest which he claims in the same, and praying that his Title to such Estate and Interest may be adjudged good, and that a Conveyance of such Lands or such Estate and Interest therein may be made under the Seal of the Court, either to a Person to his own Use, or to such Person as he shall appoint. Owners of Lands may petition Court.
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XXXV. Every such Petition shall be verified by such Affidavit as the Court may by any General Order direct, and such Petition shall be delivered at the Office of the Secretary, and with it shall be deposited an Abstract of the Title of the Petitioner to the Lands mentioned therein; and there shall be also deposited such Rentals, Statements of Incumbrances, and other Documents as the Court may require, verified in such Manner as the Court shall direct. Petition to be verified.
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XXXVI. There shall also be deposited a Map of the Lands mentioned in the Petition, of such Scale and executed in such Manner as the Court may require. Map to be deposited.
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XXXVII. An Estimate shall also accompany such Petition of the clear annual Value of the Petitioner's Interest in the said Lands, and thereupon the Accountant of the Court shall ascertain the selling Value
 [103.] A 4

Value of such Interest, and there shall be paid into the Bank of Ireland, to the Credit of the Court Fund, a Sum of *Ten Shillings* on each Hundred Pounds of the estimated selling Value of such Estate.

Petition to
be referred to
Judge.

XXXVIII. Upon receiving the Petition the Secretary shall examine the same, whether the Requisitions of this Act have been complied 5 with, and shall communicate to the Parties presenting it upon any Defect which may be in the same or in the Documents accompanying it, and shall, if necessary, take the Opinion of the Chief Remem- brancer upon any Point connected therewith; such Petition shall, if in accordance with the Provisions of this Act, be thereupon referred 10 by the Chief Remembrancer to One of the other Judges of the Court, and the Abstract of Title and all other Documents connected therewith shall be referred for Examination as herein-after mentioned to One of the Examiners of Title.

Examiner
of Title to
examine
Abstract.

XXXIX. The Examiner of Title shall examine such Abstract with 15 the original Deeds, and shall satisfy himself that such Deeds are fairly and truly abstracted, and he shall further see that such Abstract is prepared in conformity with the Rules and Regulations of the Court, and he shall call the Attention of the Judge to any Circumstance connected with such Title as he may deem worthy of 20 Attention.

Judge to
examine into
Title.

XL. Upon receiving such Abstract from the Examiner the Judge shall peruse the same, and examine and inquire whether the Petitioner has made out a good Title to the Estate and Interest which he claims 25 in such Lands.

Judge may
call for fur-
ther Evi-
dence.

XLI. The Judge may call for such further Information as he may think necessary, and he may require any Evidence, by Affidavit or otherwise, as he may see fit, and he may direct special Notices to be served on any Party whom he may see fit, requiring them to appear before him in relation to the Title to the said Lands, and call for all 30 such Searches as he may think necessary, and generally do all such Acts and Things as he may deem requisite for his Information upon the true Title to such Lands.

Title may be
rejected.

XLII. If the Judge shall think that a Title is not made out to such Lands such as to justify the Declaration of the Petitioner's Title 35 under this Act, he shall make such Decision, and the same shall be communicated to the Party presenting the Petition, and unless such Party shall intimate his Wish that the Matter of such Petition should be brought before the full Court, the Petition shall be dismissed.

Petitioner
may bring
Matter be-
fore

XLIII. If the Petitioner shall so desire upon the Matter being 40 brought before the full Court, the Court shall, after hearing such Petitioner,

Petitioner, and any other Person whom they shall see fit, make such Order therein as may be just.

fore said Court.

XLIV. If the Judge shall consider that a good Title has been made to the Lands in the Petition mentioned, he shall so report to the Chief Remembrancer, with such Observations as he may think fit.

Judge may report good Title.

XLV. A Minute shall be kept of all Proceedings before the Judge in relation to the Investigation of any such Title, and a Copy of such Minute shortly detailing all such Proceedings shall be submitted to the Chief Remembrancer, together with the Report of the Judge.

Minute to be kept of Proceedings before Judge.

XLVI. It shall be lawful for the Chief Remembrancer, if, upon Perusal of such Documents and Conference with the Judge, he shall so think fit, to direct any further Inquiry to be made, or Information or Evidence to be called for, or Notices to be served upon any Parties.

Chief Remembrancer may make further Inquiry.

XLVII. Before any Title is finally approved, Notices shall be given by Advertisements in the public Papers, and otherwise as the Court may direct, and shall also be published in the Locality of the Lands, and such Notices shall describe the Lands mentioned in the Petition, and state the Object sought by the Petition, and shall fix a Time within which Persons claiming such Lands, or having any Charge or Incumbrance on the same, shall appear in the Court.

Public Notices to be given.

XLVIII. The Judge to whom such Title is referred shall also inquire by all or any of the Means aforesaid into all Incumbrances and Charges affecting the Interest of the Petitioner in such Lands, and he shall set out in a Schedule all such Incumbrances as he shall find to be subsisting Incumbrances upon such Interest.

Incumbrances to be ascertained.

XLIX. The Judge shall also inquire into the Tenants Leases affecting the Estate or Interest of the Petitioner in the said Lands, and shall have Power to call before him all Persons claiming any Interest as Lessees affecting the same, and shall have Power to determine upon the Validity of the same, and he shall set out in a Schedule the Particulars of all Leases so affecting the Estate of the Petitioner, and the registered Owner shall hold the Lands discharged of all other Leases than those mentioned in such Schedule, except as herein-after mentioned.

Tenants Leases to be ascertained.

L. The Provisions above contained shall not apply to any Leases or Tenancies of which there shall not be any greater Term remaining than Seven Years unexpired, provided that the Rent payable under the same shall not be less than the Value of the Premises as ascertained by the General Valuation of Ireland.

Provisions not to apply to certain Leases.

Privileges
of Person
claiming to
be Tenant.

LI. Every Person claiming as Tenant or Lessee shall be entitled to all the same Rights and Privileges in asserting his Claim to such Interest as any adverse Claimant of the entire Estate and Interest in the Lands.

Adverse
Claimants to
be heard.

LII. It shall be lawful for any Person claiming in the said Lands 5
an adverse Interest to the Petitioner, whether by way of adverse Title,
Incumbrance, Charge, Lease, or in any other respect whatsoever,
at any Time after the Presentation of the Petition and before the
final Adjudication upon the Title, to lodge with the Secretary to the
Court a Statement of his Claim; and after such Statement lodged 10
the Title of the Petitioner shall not be approved of without hearing
the Case of such Claimant, if he shall appear according to the Rules
and Orders of the Court to sustain the same.

Court may
dismiss Pe-
tition.

LIII. If any Party shall so appear the Court shall thereupon 15
hear such Party and the Petitioner, and if they shall upon hearing
such Opposition think fit, they shall dismiss the Petition as to the
whole or Part of the Lands, or shall adjudge the Petitioner to be
entitled to any lesser Estate than that which he claimed, or shall
insert the Name of the Claimant in One of the Schedules relating
to such Lands or make such Order as to them shall seem meet. 25

Evidence to
be heard.

LIV. The Court shall have Power to hear Evidence in support
of such Opposition, and also in support of the Petitioner's Claim.

Court may
direct Peti-
tion to stand
over.

LV. It shall be lawful for the Court in any Case in which a prima
facie Case is made by an adverse Claimant to limit a Time within
which the Petition shall stand over to enable such adverse Claimant to 25
assert his Right by such Proceedings in a Court of Law or Equity as
he may be advised, and if they shall think fit to extend such Time or
to make any Order therein that shall seem just.

Appeal to
Court of
Appeal in
Chancery.

LVI. Every Order of the Court shall be subject to Appeal to
the Court of Appeal in Chancery, and from thence to the House of 30
Lords; and in any Case in which the Court of Landed Estates shall
adjudge the Title of any Petitioner to be good they shall at the
Request of any opposing Party suspend the Entry of the Transfer
hereinafter mentioned for *One Month*, to enable the Party to bring
such Appeal, and if such Appeal is brought within *One Month* all Pro- 35
ceedings shall be suspended until such Appeal is finally disposed of.

Schedules of
Incum-
brances and
Leases to be
settled.

LVII. The Court shall by its final Order approving of the Title of
the Petitioner also settle the Schedule of Incumbrances and Tenan-
cies, and the Petitioner may, before such final Settlement, object to
any such Incumbrance or Lease, and upon Notice to the Owner or 40
supposed

supposed Owner of the same may show Cause why such Incumbrance or Lease should be struck out of the Schedule, and the same Rule shall be applied to any Person who shall come in to establish an Incumbrance in consequence of the Advertisement; but it shall not
 5 be necessary in such Schedule to fix the Priority of Incumbrances, nor shall any Person be admitted to oppose any Person claiming an Incumbrance, except the Petitioner or some adverse Claimant of the same Incumbrance, and the Entry of any Incumbrance in the Schedule shall not be Evidence against any One except the Petitioner of the
 10 Fact of the Existence of such Incumbrance.

LVIII. In any Case in which the Court shall refuse to admit the Title of any Petitioner to the Estate or Interest claimed in the Lands mentioned in the Petition, such Refusal shall not be held in any Manner to weaken, affect, or to prejudice the Title of the Petitioner
 15 to such Lands; and in such Case all Deeds or Abstracts of Title, and other Documents submitted to the Court, shall be returned to the said Petitioner, and no Document or Statement prepared for the Use of the Court shall ever be used in Evidence against such Petitioner in any Court of Law or in Equity, nor shall he be compellable
 20 upon any Bill of Discovery or otherwise to make any Disclosure respecting the same.

Petitioner's Title not to be affected by Disposal of Petition.

LIX. In such Case, all Communications made to any Officer of the Court in support of the Case of the Petitioner shall be considered as protected from Disclosure to the same Extent as they would be so
 25 protected if made in the Course of professional Confidence to the Counsel or Attorney employed for the said Petitioner.

Communications to be privileged.

LX. Provided always, That the Protection hereby given shall not extend to any Documents or Evidence which the Petitioner may use before the Court, or any Judge thereof, upon the Hearing of any
 30 adverse Claim.

Protection not to extend to Evidence used before Court.

LXI. Whereas it may frequently happen that Claims may be made to Reversionary or other Interests in Land which are not capable of being brought to immediate Trial in the ordinary Course of Law: In the Case of any such Claim, of what Nature or Kind soever, the Court
 35 may direct that the Parties may proceed to try the same and determine their Rights, and for that Purpose may give such Directions as to them shall appear just; and in such Case the Matter in dispute between the Parties, if the Court shall so direct, may be tried by any Court of Law or Equity as if the Question involved the immediate
 40 Right of Possession to the same.

Reversionary Claims may be tried.

LXII. Provided always, That it shall be lawful for the Petitioner, by Requisition delivered to the Secretary of the Court, at any Time to withdraw his Petition, and thereupon all Proceedings shall cease.

Petition may be withdrawn.

Costs to be
awarded.

LXIII. In the event of such Withdrawal, the Court may award all such Costs of opposing or taking Steps to oppose such Petition, as they think just, and to any Person to whom they think fit.

Court may
adjudge Title
to be good.

LXIV. After such Examination of the Title as aforesaid, and its Approval by the Judge to whom it is referred; and after the Publication of such Advertisements and Notices as aforesaid, if no adverse Claimant shall appear, or if the Petitioner shall sustain his Title, and if the Court shall see no Reason to the contrary, it shall be lawful for the Court at any Time after the Period limited for Claimants to appear to make an Order adjudging the Title of the Petitioner to be good for such Estate or Interest as it shall appear to the Court he has in such Lands, subject to the Incumbrances and Leases, if any, as are set out in the Schedule, and such Order shall be called the Adjudication of Title; and there shall be annexed in every Case to such Adjudication of Title a further Order of the Court conveying such Estate and Interest to such Person as the Petitioner shall name, either to such Person absolutely, or to the Use of the Petitioner, or to such Uses and Trusts as the Petitioner shall direct.

Effect of
Order of full
Court.

LXV. Such Order of the full Court shall be deemed to be the Judgment of the Court upon the Claim of the Petitioner, and upon all Matters relating thereto, and it shall for all Purposes, except those of an Appeal, be conclusive Evidence that all the Requirements of this Act have been complied with, and that such Order has been duly made in all respects in accordance with the Powers and Authorities of this Act; and no such Order shall be questioned in any Court of Law or Equity, except by the Appeal therefrom herein-before mentioned.

Act Book to
be kept.

LXVI. There shall be kept by the Registrar of the Court, and under the Control of the Court, a Book of Record to be called the "Act Book" of the said Court; and a Memorandum of any such Adjudication and Transfer shall be drawn up in the Form stated in the Schedule to this Act, or some other convenient Form, and the same shall be entered in the Book of the said Court, and such Entry shall be called and known as the "Memorandum of Transfer."

Full Court
to control all
Proceedings.

LXVII. For all Purposes of the Jurisdiction of the Court the Petition shall, from the Time when the same shall be presented until its final Disposal, be deemed to be pending before the full Court notwithstanding any Reference to or Proceeding before any single Judge, and all Proceedings shall be under the Control and Direction of the full Court; and it shall at all Times be lawful for the full Court to make such Orders as they shall see fit in the Matter of such Petition, and to direct any Inquiry, or to order any particular Matter to be investigated

investigated or further investigated, or to refer any Inquiry back again to any Judge or Examiner, and generally to do all such Acts and make such Orders in the Matter of such Petition as to them shall seem just.

- 5 LXVIII. Before the *First Day of January One thousand eight hundred and fifty-nine* the Chief Remembrancer and the other Judges of the Court shall prepare, with the Approbation and Consent of the Lord Chancellor, such General Rules and Orders for carrying out the Provisions of this Act, and regulating the Proceedings of the
10 Court, as to them shall seem meet and as shall not be inconsistent with the Provisions of this Act; and they shall have Power from Time to Time and at all Times hereafter, with the like Approbation, to vary such Orders, and to make new or additional ones: Provided always, that all such Orders shall be laid before Parliament within *One Month*
15 after the same are approved by the Lord Chancellor, if Parliament shall be then sitting, and if not, then within *One Week* of the next Meeting of Parliament for the Despatch of Business.

General Orders to be framed.

- LXIX. The Memorandum of Transfer shall vest in the Person named therein the Estate or Interest mentioned in the Lands, and that
20 absolutely freed, discharged, and acquitted of all Claims, Charges, Estates, or Demands whatsoever, of any Person or Persons, including the Queen's most Excellent Majesty, Her Heirs and Successors, and of and from all Incumbrances and Leases, except those mentioned and included in the Schedules referred to in such Memo-
25 randum of Transfer, and such Leases or Tenancies as are exempted from the Provisions of this Act.

Effect of Memorandum of Transfer.

- LXX. All other Claims, Demands, and Estates, of what Nature or Kind soever, affecting the Estate or Interest adjudged to the Petitioner in such Lands shall be absolutely barred and extinguished
30 by such Memorandum of Transfer.

All Claims not noticed in Schedules to be barred.

- LXXI. No such Memorandum of Transfer shall be entered until the Petitioner shall have paid into the Court Fund a further Sum of *Two Pounds* upon every Hundred Pounds of the estimated Value of the Petitioner's Estate or Interest in the Lands.

Payment to be made to Court Fund.

- 35 LXXII. An exact Transcript of such Memorandum shall, if the Party so desire it, be engrossed on Parchment, and sealed with the Seal of the Court, and signed by the Chief Remembrancer and One other of the Judges of the Court, and the same shall be delivered to the Person entitled to the Ownership of such Lands; and such
40 Transcript shall be called and known as the Memorial of Transfer.

Memorial of Transfer to be issued.

It shall be deemed the Title Deed.

LXXIII. The Memorial of Transfer when so delivered shall have the Effect of a Deed of Conveyance, and shall be deemed to be the Title Deed of the Person holding the same to the Lands, and its Deposit with any Person shall have the same Effect and be attended with the same Consequences as to him, and otherwise, as the Deposit of Title Deeds now has by Law or Usage, or the Practice of Courts of Equity, or otherwise.

Memorial of Transfer may be registered as a Deed.

LXXIV. If the Person entitled shall so desire it, such Memorial may be registered as a Deed in the Office for registering Deeds in Ireland.

10

Owner may be registered under this Act.

LXXV. If the Person entitled shall desire his Ownership to be registered under this Act, upon the Memorial of Transfer being produced to the Deputy Remembrancer, he shall cause Entry to be made in the proper Book in the Remembrancer's Office, in the Form in the Schedule to this Act annexed, or such like convenient Form as the Court may from Time to Time direct, and such Entry shall specify the Name of the Owner (herein-after called the registered Owner), the Lands of which he is Owner, the Estate or Interest he has therein, and such other Particulars as ought to be stated in such Entry.

20

Lots may be distinguished in Entry.

LXXVI. In every Case of such Entry the Lands may and shall, if the Owner shall so desire, be apportioned into such and so many Lots or Portions as can be conveniently distinguished by a Reference to a Map or otherwise; and each of such Lots or Portions may be the Subject of a separate and distinct Entry of Ownership, so as to facilitate all future Dealings with such Lot or Portion; but all such Subdivisions shall be so arranged with the Approbation of the Chief Remembrancer of the Court.

25

Entry conclusive Evidence of Ownership.

LXXVII. Such Entry while it remains unaltered shall be conclusive and indisputable Evidence in every Court of Law and Justice that the Person named therein as Owner had at the Time of such Entry, the Estate in the said Lands mentioned in the Entry, and no Evidence shall be received to contradict or weaken the Effect of such Entry.

30

As to registered Owners of Estates, be it enacted as follows :

35

Laws of Registration of Deeds not to apply to registered Owner.

LXXVIII. None of the Laws affecting the Registration of Deeds in Ireland shall apply to any Deed or Conveyance executed by any registered Owner after his Ownership has been so registered in the Incumbrance Book.

LXXIX. No

LXXIX. No Judgment obtained or hereafter to be obtained against any Person shall be registered as a Mortgage against any Estate or Interest in Lands of which the Convisor of such Judgment shall be registered Owner under this Act.

No Judgment to be registered as Mortgage.

LXXX. Any registered Owner desirous of assigning his Estate and Interest in the said Lands may appear in Person, or by Attorney duly authorized, before the Chief Remembrancer in open Court, and shall and may declare that he transfers his Title and Interest in all or any of the Lands of which he is registered Owner, or any Estate less than his own, to such Person as he shall name, and for such Consideration as shall be then expressed; and upon the Party to whom he shall so transfer in Person, or by Attorney duly authorized, agreeing in open Court to accept such Transfer, a Memorandum of Transfer shall be entered on the Act Book of the Court, in the Form in the Schedule of this Act annexed, and a Memorial of Transfer shall be issued under the Seal of the Court; and thereupon the Deputy Remembrancer shall make such Note upon the former Entry as shall show that such Transfer has been made, and he shall thereupon make a new Entry, in which the Name of the new Owner shall be entered as the Owner of the said Lands for such Estate and Interest as shall be so transferred to him.

Registered Owner may assign by Entry in Book.

LXXXI. No such Transfer shall be made unless the Party making the same shall produce at the Time to the Court the Memorial of Transfer previously issued, unless by the special Order of the Court.

Memorial of Transfer to be produced

LXXXII. Such special Order shall only be given upon clear Evidence, satisfying the Court beyond all reasonable Doubt that such Memorial has been lost or destroyed, and that there exists no Lien or Claim of any Person in respect to the same who is not before the Court and a consenting Party to the Application.

Loss may be supplied.

LXXXIII. In any Case in which the Court shall be so satisfied, whether upon an Application for Transfer or not, the Court may, if they think fit, direct a new Memorial of Transfer to be made out and delivered to the Party, and such new Memorial shall be marked with the Word Duplicate, and shall further express the true Date upon which the same was issued.

Duplicate Memorial to be issued.

LXXXIV. No Person accepting such Transfer as last mentioned shall be in any Manner bound by any Notice, express or implied, of any Deed executed by the registered Owner of such Land.

Transferee not bound by any Notice.

Proceedings
may be taken
to enforce
Deed or Con-
tract.

LXXXV. Nothing herein contained shall prevent any Person from taking Proceedings, either in Law or Equity, against any registered Owner to enforce any Contract or Agreement for Sale, or any Deed of Mortgage or other Security granted by the registered Owner; and in any Case in which the Court in which any such Proceeding is pending shall see fit to issue an Order restraining the Transfer of such Lands, such Order or a Copy thereof shall be lodged with the Deputy Remembrancer, who shall thereupon take care that no Transfer be made of such Lands while such restraining Order continues in force.

Registered
Owner to be
the Person
entitled to
Rents.

LXXXVI. In every Case the registered Owner or Owners shall be the Persons or Person entitled to the immediate Receipt of the Rents and Profits, or to the Possession of such Lands, and no other Person shall be registered as Owner of such Lands, unless in case of the Owner of the Equity of Redemption of any Mortgage, who shall for the Purpose of this Order be considered the Owner; but it shall be lawful for any Person conveying Lands to Trustees by an Assurance under this Act to annex to the Memorandum of Transfer any Statement of Trust, either expressly or by reference to any Deed; and thereupon, if the Trustees be registered as the Owners of such Lands, there shall be added to the Entry of this Ownership the Words in Trust, together with the Reference to the Memorandum as entered in the Act Book of the Court; and no Transfer shall be made by the said Trustees unless upon Reference to such Memorandum the Court shall be satisfied that it is made in accordance with the Purposes of this Trust.

Persons in
succession to
limited Es-
tate may
prove Title.

LXXXVII. When any registered Owner shall be so registered for any limited Estate or Interest in such Lands, upon the Termination of such limited Estate it shall be lawful for any other Person to present a Petition claiming to be registered as Owner in succession to such Person having the limited Estate, and upon Proof of his Title, as in the Case of an original Claimant, he shall be so registered accordingly.

Provision
for Persons
claiming by
Descent or
otherwise.

LXXXVIII. Any Person claiming the Estate or Interest of any registered Owner by descent or devise may present a Petition claiming to be registered in his Room, and thereupon the Court, upon Proof of the Facts upon which his Title rests, and also upon giving such Notices and publishing such Advertisements as the Court may direct, may direct an Entry in the Chief Remembrancer's Books of such Claimant as Owner of such Lands.

In such Case
Entry to be
suspended

LXXXIX. In any Case in which such Claim shall be made by any Person as Heir or Devisee of any deceased Persons, no such Entry

Entry of Ownership shall be made for *Twelve Months* after the Adjudication of Title, within which Time it shall be lawful for any adverse Claimant to come and show Cause against the same.

See Twelve Months.

X.C. In any Case in which the Entry of Ownership, or the Entry of anything in any Schedule, or the Omission of anything therefrom, shall be obtained by Fraud, Suppression, or wilful Concealment, it shall be lawful for any Person aggrieved by such Fraud to apply to the Court at any Time to set aside or vary such Entry or Schedule, and thereupon the Court shall, if they think fit, by a summary Order set aside or vary such Entry or Schedule, or may direct a Proceeding to be instituted in a Court of Equity to set aside such Proceeding for Fraud; but no such Order shall be made, nor such Proceeding set aside, so as to affect any Purchaser for valuable Consideration who is not a Party to such Fraud.

Entry may be set aside for Fraud or varied.

XCI. When any registered Owner shall be desirous of demiseing any Portion of his Lands for any Term greater than Seven Years or at a Rent less than the Value as ascertained by the General Valuations of Ireland, it shall be lawful for such Owner and the Lessee to appear before the Court, and to effect such Demise by an Act duly entered in the Act Book of the Court, which Entry in the Act Book shall at all Times and for all Purposes be Evidence of such Demise and of the Terms thereof, or in case the same shall be affected by any Lease or Instrument, to produce such Lease or Instrument before the Justices at Quarter Sessions held for the District in the Lands are situated, and thereupon the Clerk of the Peace shall transmit under his Hands to the Deputy Remembrancer a short Statement of the Rents reserved by such Lease, the Lands affected thereby, the Date, Terms, and other short Particulars, and for so doing he shall be entitled to receive such Fees as the Court shall by any General Order in that Behalf direct.

Provisions as to Leases by registered Owner.

XCII. Upon any such Act being passed in Court, or on Receipt of any such Memorandum from the Clerk of the Peace, the Deputy Remembrancer shall enter in a Schedule to be kept in his Books, annexed to the Entry of Ownership, the short Particulars of such Lease.

Entry of Lease to be made.

XCIII. No such Entry shall be held to render valid any Lease mentioned therein, or be Evidence against any Person of the Existence of such Lease.

Entry not to validate Leases.

XCIV. No Lease as above described of which a Memorandum is not so entered shall be valid or of any Effect against any Transferee of the Interest of any registered Owner of such Lands.

Leases not entered to be void.

[103.]

C

XCv. In

Lessee's Title
not to be
investigated
on Petition
of Lessee.

XCV. In case any Tenant, Lessee, or any other Person having a derivative Interest in such Lands, shall apply to the Court as Owner for a Declaration and Entry of Ownership of his own Interest in the Lands, the Adjudication of Title shall be final and conclusive against all Persons claiming such derivative Interest, and all Persons claiming the Estate from which such Interest is immediately derived, but no Person claiming to be registered as Owner of any derivative Interest in Land shall have any Right to call on the Court to investigate the Title to the Estate from which such Interest is said to be derived, unless the Person in the Possession of such Estate shall consent thereto; and in any Case in which the Court shall so see fit the Entry of the Ownership of such derivative Interest shall be qualified by Words showing that no Warranty is given of the Title of the Landlord or other Person from whom such Interest is derived, and the Entry as to such Lease shall be in the Form in the Schedule to this Act annexed. 5 10 15

Lease under
Power may
be adjudged
good.

XCVI. In any Case in which a Lease shall be hereafter or has been executed under a Power of leasing, and the Lessee shall petition the Court for an Adjudication of Title under this Act, the Court shall inquire whether such Lease has been executed in accordance with the Conditions of the Power; and if it shall appear to the Court that it has been so executed, the Court shall so declare and adjudge, and such Adjudication shall, against all Persons whatsoever, be final and conclusive. 20

Persons
having Car-
riage of
Decree for
Sale may
petition
Court.

XCVII. In any Case in which a Decree or Order of a Court of Equity shall direct the Sale of any Estate or Interest in Lands, and such Court of Equity shall so direct, it shall be lawful for the Person having the Carriage of the Decree or Order to petition the Court of Landed Estates for an Adjudication on the Title of the Owner of such Lands, and upon such Petition all Proceedings shall be taken as are herein-before directed upon the Petition of the Owner in possession. 25 30

Decree may
dispense
with Inquiry
as to Incum-
brances.

XCVIII. If in any such Case the Court of Equity shall desire that the Lands shall be sold in the first instance and without Inquiry as to Incumbrances, the Court of Landed Estates shall, upon the Requisition of such Court of Equity, investigate the Title to such Lands without any Inquiry as to the Incumbrances affecting the same, and upon being otherwise satisfied as to Title, shall vest the Lands in the Person named in such Requisition, freed and discharged of all Incumbrances whatsoever. 35

In case of
Chattel In-
terest Exe-

XCIX. In any Case in which any Chattel Interest in Lands shall have been seized by any Sheriff or other Officer under any Writ of 40

of *Fieri facias*, or other Execution of any Court, it shall be lawful for the Plaintiff in such Execution to petition the Court of Landed Estates for an Adjudication of Title under this Act, and thereupon the Court shall issue its Precept to the Sheriff, commanding him to postpone such Sale until such Petition is disposed of, and such Chattel Interest shall continue bound by such Execution, although the Return thereof shall have expired; and upon the final Disposal of such Petition, the Sheriff shall, within a convenient Time, proceed to sell such Lands, without any further Writ or Order, notwithstanding the Time for the Return to such Writ of Execution shall have expired, and for all Purposes of such Sale, and for the Jurisdiction of the Court out of which the Execution shall issue, the Return of the Writ shall be held to be enlarged until *One Month* shall have elapsed from the final Order of the Court upon such Petition.

Execution Credit
may be
Petition
Court.

C. Upon the Petition of any Plaintiff in an Execution all Proceedings may be had as upon the Petition of the Owner in possession.

Proceedings
may be heard
thereon.

CI. The Moneys belonging to the Court Fund shall be lodged in the Bank of Ireland, to the Credit of the Accountant of the Court, and no Moneys shall be paid thereout except upon an Order of the Court; and all Drafts shall be signed by the Chief Remembrancer and One of the Judges of the Court, and shall be countersigned by the Accountant and Secretary.

Application
of Court
Fund.

CII. If in any Year the Proceeds of the Court Fund shall be more than sufficient to meet the Expenses hereby charged upon it, the Residue shall be paid into the Consolidated Fund.

Surplus to
be paid to
Consolidated
Fund.

CIII. The Fees heretofore directed to be paid shall be applicable only to the Cases in which no previous Ownership of the same Estate or Interest has been registered under this Act; and as to all other Cases, it shall be lawful for the Judges of the Court, with the Approbation of the Commissioners of Her Majesty's Treasury, to fix a Scale of Fees applicable to such Cases respectively, but such Fees shall in no Case exceed those fixed by this Act; and such Schedule of Fees shall be laid before both Houses of Parliament, as already provided as to the General Orders of the Court.

Schedule of
Fees to be
fixed.

CIV. It shall not be necessary strictly to follow any Form set out in any Schedule to this Act, and it shall be lawful for the Court to adopt any similar convenient Form which to them shall seem meet.

Fees may
be varied.

And whereas an Act was passed in the Session of Parliament holden in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, intituled "An Act further to facilitate the Sale and Transfer of Incumbered Estates in Ireland;" And whereas a certain other Act was passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her Majesty, intituled "An Act to continue the Powers of applying for a Sale of Lands under the Act for facilitating the Sale and Transfer of Incumbered Estates in Ireland;" And whereas a certain other Act was passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her Majesty, intituled "An Act for continuing and amending the Act for facilitating the Sale and Transfer of Incumbered Estates in Ireland;" And whereas a certain other Act was passed in the Session of Parliament holden in the Eighteenth and Nineteenth Years of the Reign of Her Majesty, intituled "An Act to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of Incumbered Estates in Ireland;" And whereas a certain other Act was passed in the Session of Parliament holden in the Nineteenth and Twentieth Years of the Reign of Her Majesty, intituled "An Act to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of Incumbered Estates in Ireland, and to amend the said Acts:" And it is expedient with reference to the said Acts, and to the Commissioners now authorized to execute the same, and the Affairs of such Commissioners to make the following Provisions: Be it enacted as follows; that is to say,

Judges and Officers of Incumbered Estates Court to continue.

CV. That Henry Martley, Esquire, now the Chief Commissioner under the said Acts, shall be the First Chief Remembrancer under this Act; that Mountiford Longfield, Esquire, and Charles James Hargrave, the Commissioners for executing the said Acts, shall be the other Two Judges of the Court first appointed under this Act; that Henry Carey, Esquire, Secretary to the said Commissioners, shall be the First Secretary to the Landed Estates Court under this Act; and that Stephen Wolfe Flanagan, Esquire, Master in the Court of the said Commissioners, shall be the First Deputy Remembrancer under this Act.

Other Officers of that Court to be preferred in Appointments.

CVI. In appointing to any Office under this Act, the Persons making such Appointment shall give Preference and Priority to those Persons who now fill any corresponding Office or Employment in the Court of the Commissioners for the Sale of Incumbered Estates, if they shall be competent to fill such Office hereby created.

CVII. All the Powers of the said Commissioners shall cease and determine on the *First Day of January One thousand eight hundred and fifty-nine*.

Powers of Commissioners to cease on 1st January.

CVIII. From and after the *First Day of January One thousand eight hundred and fifty-nine* the Court of Landed Estates shall, with reference to any Matters which shall then be depending in the Court of the Commissioners for the Sale of Incumbered Estates, have and exercise all such Powers and Jurisdiction as might be exercised by the Commissioners if this Act had not passed; and also with reference to making out Title to Land, and registering the Ownership thereof, all such Powers as they might exercise, if the Petitions had been originally presented to the Court of Landed Estates, and had prayed for an Adjudication of Title and a Transfer under this Act.

Powers of Commissioners transferred to new Court.

CIX. With reference to Matters so pending, the Court may by any General Orders, provide for their Continuance in the Court in such Manner as to them shall seem meet.

Power to make General Orders.

CX. It shall be lawful for the Court, with the Approbation of the Lord Chancellor, to make an Order that in any Case so pending, in which they shall so think fit to order, the Distribution of the Fund, and the Ascertainment of Incumbrances and Priorities, or any other Portion of the Business except the making out of Title, shall be transferred to the Court of Chancery, and upon such Order being made, such Matter shall be deemed for all Intents and Purposes to be a Cause depending in the Court of Chancery; and all Moneys standing to the Credit of such Matter shall be transferred to the Court of Chancery according to the Practice of that Court.

Order to transfer Matters to Chancery.

CXI. Notwithstanding their Appointment as Judges of the Court of Landed Estates, the said Commissioners shall continue up to the *First Day of January One thousand eight hundred and fifty-nine* to exercise all Powers and Jurisdiction which they might have exercised as such Commissioners to all Intents and Purposes as if this Act had not passed.

Commissioners to continue to 1st January, 1859.

CXII. In citing this Act for any Purpose whatever it shall be sufficient to cite it as "The Landed Estates Act (Ireland), 1858".

Short Title of Act.

CXIII. In the Construction of this Act (except where the Context or other Provisions of this Act require a different Construction),

Interpretation Clause.

The Word "Land" shall include and extend to Manors, Advowsons, Rectories, Messuages, Tithes, Lands, Tenements, Rents, [103.]

C 3

Annuities

Annuities charged on Lands and Hereditaments of any Tenure, and whether such Land be held as Freehold or Chattel, or whether subject to any Fee-farm or other perpetual Rent, with or without the Condition of Re-entry for securing the same or otherwise, or whether corporeal or incorporeal, and whether a 5 divided or undivided Share :

And the Word "Estate" shall include and extend to an Estate in Equity or at Law, and to an Equity of Redemption, and to the Benefit or Contract for a Right of Renewal, and whether in Fee or for any lesser Estate, or held by Lease for any Term : 10

The Word "Owner," as applied to Land, shall include any Person entitled in possession for an Estate in Fee Simple, or for any lesser, partial, or derivative or other Estate, corporeal or incorporeal, Freehold or Chattel, at Law or in Equity :

And the Words "Person or Owner" shall extend to a Body 15 Politic or Corporate, as well as to an Individual :

The "Word Court" shall mean the Court of Landed Estates hereby created :

The Expression "full Court" shall mean the Tribunal hereby constituted, consisting of the Chief Remembrancer and the other 20 Two Judges constituting together the Court of Landed Estates, in distinction from any of the Judges sitting separately and apart from the rest; but it shall not be deemed to make it necessary that at the sitting of such Tribunal more than One of such Judges should be present to execute the Powers of such full Court: 25

The Words "Memorandum of Transfer" shall mean the Memorandum entered in the Act Book of the Court of the Adjudication of Title and Conveyance of the Estate or Interest of the Lands :

The Words "Memorial of Transfer" shall mean the Transcript of such Memorandum herein-before directed to be delivered to the 30 Party entitled thereto :

The Words "registered Owner" shall mean the Person whose Name is entered in the Books of the Chief Remembrancer as the Owner of any Estate or Interest in any Land :

And the Word "Judge" shall mean One of the Judges of the 35 "Landed Estates Court, Ireland:"

And the Expression "the Judge" shall mean the Judge of the said Court before whom the Matter shall be pending, of which the Section is conversant :

And the Expression "Commissioners of Her Majesty's Treasury" 40 shall mean the Commissioners of Her Majesty's Treasury for the Time being, or such Members of them as are competent to perform Acts for the said Commission at large, or the Lord High Treasurer for the Time being :

And

And the Word "Incumbrance" shall mean every Charge upon Land which is deemed an Incumbrance in a Court of Equity, and which a Court of Equity would discharge by a Sale of the Land charged or by the Appointment of a Receiver over the same:

And the Word "Incumbrancer" shall mean a Person entitled to an Incumbrance absolutely, or a Person entitled to the absolute or any partial or lesser Interest in an Incumbrance, or in any Part thereof:

And the Words "Lord Chancellor" shall mean as well the Lord High Chancellor of Ireland as the Lord Keeper or Lords Commissioners of the Great Seal for the Time being.

CXIV. This Act shall only extend to Ireland.

Act to extend only to Ireland.

SCHEDULES.

SCHEDULE A.

Officers.	Annual Salaries.
Secretary - - -	- £1,000.
Registrar - - -	-
Assistant Registrar - - -	-
Each Examiner of Title - - -	-
Taxing Master - - -	-
Accountant - - -	-
Deputy Remembrancer - - -	- £1,200.
Chief Clerk in Remembrancer's Office -	-
Clerk to each Judge - - -	-
Clerks of Court and in Chief } Remembrancer's Office. } Salary to be fixed by Minute of Appointment.	

SCHEDULE B.

Form of Memorandum of Transfer, referred to in Section 66.

Adjudication of Title and Conveyance in Fee Simple.

20th February 1859.

BE it remembered, That on this Day Charles Wilson, Esquire, of Ansdale, in the County of Dublin, came before the Court of Landed Estates in Ireland, and having first performed all Things in that Behalf required by Law, prayed that the Court might adjudge him his Estate and Interest in the following Lands; that is to say, [*describe them, and state County, Barony, and Parish, with reference to the Map annexed*]; and thereupon the Court doth adjudge the said Charles Wilson to be well entitled to all the said Lands for the following Estate or Interest therein; that is to say,

(a) To an Estate in Fee Simple in all the said Lands.

Subject

Subject nevertheless to the several Incumbrances set forth in the First Part, and to the Tenancies set forth in the Second Part of the Schedule hereunto annexed.

And the Court, by Desire and at the Request of the said Charles Wilson, (b) doth hereby convey and assign the said Lands to William Morgan and his Heirs, to the Use nevertheless of the said Charles Wilson, his Heirs and Assigns, for ever.

Or tried as follows, or according to Circumstances:—

(a) To an Estate for his own Life in all the said Lands.

(a) To an Interest in the said Lands for and during his own Life for all the Estate and Interest conveyed by a certain Lease of the said Lands made for Ninety-nine Years, by the Right Honourable the Earl of Howth, on the Twenty-first Day of January One thousand eight hundred and twenty, at the annual Rent of One hundred Pounds a Year, to all the Benefits of which Lease the Court doth hereby adjudge the said Charles Wilson to be entitled for his own Life, but inasmuch as the Court is not informed of the Title of the said Earl to the said Lands, the Court doth not make any Declaration thereon, but as against the said Earl, and all Persons claiming the said Lease, the Court doth adjudge and declare the said Charles Wilson to be well entitled as aforesaid.

(b) Doth hereby, in consideration of the Sum of Ten thousand Pounds paid by the said C.D. to the said Charles Wilson, the Receipt whereof the said Charles Wilson hath acknowledged in open Court, convey and assign the said Lands for all the Estate and Interest so as aforesaid adjudged to the said Charles Wilson to the said C.D., his Heirs and Assigns for ever.

(b) Doth hereby convey and assign the said Lands to Sir Richard Wilson, Baronet, and Thomas Green, Esquire, upon certain Trusts contained in an Indenture bearing Date the Nineteenth Day of February One thousand eight hundred and fifty-nine, being the Settlement executed on the intended Marriage of the said Charles Wilson and Mary Connolly.

SCHEDULE C.

Memorandum of Transfer by registered Owner.

[Date.]

Be it remembered, That on this Day came before the Court of Landed Estates in Ireland as well A.B. of as C.D. of , and it being shown to the Court that the said

[103.]

D

A.B.

A.B. is now duly inscribed in the Books of the Chief Remembrancer as Owner in Fee Simple of all that those [*describe Premises, and state County, Barony, and Parish*], subject nevertheless as therein mentioned; and the said *A.B.* having, in consideration of the Sum of One thousand Pounds, the Receipt of which the said *C.D.* doth hereby in open Court acknowledge, conveyed and assigned all his Interest in the said Lands to the said *C.D.*; and thereupon the Court doth hereby adjudge the said Lands to be vested in the said *C.D.*, his Heirs and Assigns for ever, for all the Estate and Interest of the said *A.B.* therein, subject only to the Incumbrances and Tenants Leases set forth in the First and Second Parts of the Schedule hereunto annexed.

SCHEDULE B.

Form of Entry of Ownership.

Book . . . Page . . .

County of York. Registry of Land. First of October.

Tenement.	Situation when this Entry.	Description of Tenement.	Name of Owner.	Duration Interest of Tenement.		Reference to Act of Parliament.	Observations.	Reference to the Land.
				Express Term.	Term of Years, or for Life, or otherwise.			
Chapman.	Acreside.	My house (House and Garden) in the Map.	James Green.	For Life.	Term for 99 Years, dated May 25, 1858 (whereby James and John).	Feb 25, 1858.	James's Title and Observations.	—
	Merrill.	Several Tenements in the Map.	James Green.	In Fee.	—	Feb 25, 1858.	—	—
	Conquest.	Part of the Map.	James Green.	In Fee.	—	Feb 25, 1858.	—	Deceased by Act of James's Title, dated May 25, 1858 (see the Act and the Map).

Schedule relating to Interest of James Green in the above Lands of Chapman.

Part I.			Part II.				
Tenements.			Tenements.				
Part.	Encumbrance.	Amount.	Part of Land.	Part.	Term.	Rate.	Day of Year.
Deed of Mortgage of James and Chapman of Acreside, dated May 1, 1858.	John Wood.	£ 1,000	Part of Lands of Chapman (whereby James and John).	See above.	99 Years.	0 0 0	May 1, 1858.
				James's Title.	The Letters of James's Title, dated May 25, 1858.	100 0 0	May 25, 1858.

London: Printed by J. G. & Co.

(Ireland.)

A

B I L L

To amend the Title to Landed Estates
in Ireland.

*(Proposed and brought in by
Mr. Sturges Colclough.)*

Ordered by The House of Commons, to be Printed,
1 June 1831.

[Bills 1831.]

Under 4 cc.